1946 (K) File No. LAQ DWR 46.

Legal DEPARTMENT

A BRANCH

Examined SWK 25/4/51

D.7(E) 1946

Subject :— Land Acquisition —— References relating to —— Dharwar District-

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V.W. Clarkson

Superintendent,
D Branch, Legal Department.

File No. LAQ. DWR/46

Std. Sectt. Slip 24-B

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	Or.1459 20-2-46	Kuraligonda Tal Haveli — Appellate	1 —

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Superintendent,
D Branch, Legal Department.

Subject:-Acquisition of land of Village Extension Kurabgond Tal. Haveri.
Appeal in the .....

No.
Office of the Collector
Dharwar, 9th Jan. 1946.

To,

The Secretary,
Government of Bombay Legal Department,
Bombay.

In submitting herewith the certified copy of the judgment and the bill of cost, in the above-mentioned case, I have the honour to state as under.

2. The Land Acquisition Officer had awarded compensation at the rate of Rs.100/- per acre; while on a reference under Sec.18 of the Land Acquisition Act, the Assistant Judge, Haveri has awarded compensation at the rate of Rs.250/- per acre. While increasing the compensation, the building potentialities of the agricultural land were taken into consideration which the Acquisition Officer had failed to do. It seems doubtful whether we would win in appeal. Hence I agree with the Dist. Government Pleader (copy enclosed) that no useful purpose is likely to be served by taking the matter in appeal and as such recommend that the compensation awarded by the Assistant Judge may be accepted.

3. The papers may kindly be returned early to enable me to take further action in the matter.

Collector of Dharwar.

Submitted through the Commissioner S.D.Belgaum.

P.T.O.

No. L.A.Q.-2844.
Office of the Commissioner S.D.
Belgaum, 30th January 1946.

1024
A/4

Submitted agreeing with the Collector.

2. The papers forwarded by the Collector accompany.

Legal Department.

Commissioner S.D.

1024
4-2-46.

Submitted.
2 It appears no objections were g
from D.S.P., Dharwar in this case
4-2-46
S S

3. These papers relate to Compensation Case Misc. Application No. 51 of 1942, concerning the compulsory acquisition for the purpose of laying out building plots for residence of a class of persons called Waddars, of S. No. 136/7A, B, C and D of the village Kurubgond in the Haveri Taluka, S. No. 136/7B admeasuring 15 gunthas and S. No. 136/7D

measuring 1 acre and 32 gunthas were owned by claimant No.1 Irappa Puttappa Sidenur. S. No. 136/7A admeasuring 17 gunthas and S. No. 136/7C admeasuring 16 gunthas were owned by claimant No. 2 Ujjappa Irappa Sidenur. The requisite notification under section 4(1) of the L.A. Act,1894(I of 1894) was published on 9.7.1940. The claimant No.1 for himself and for claimant No. 2 claimed before the L.A.officer a sum of Rs. 2000 as compensation for the land acquired at the rate of Rs.600/- per acre. However, the L.A. officer valued the land at Rs. 100 per acre as agricultural land and made an award of Rs. 346.10.8 including the statutory 15 p.c. for compulsory acquisition.

4. Being dissatisfied with the said award, the claimants made reference under section 18 of the said L.A. Act, 1894 and claimed compensation at the rate of Rs.400 to Rs.500 per acre. The Court having regard to the special adaptability of the lands for building purposes has valued the lands as agricultural lands with potentiality of being used as building sites, and accordingly has increased the compensation by awarding Rs. 250 per acre, that is

Rs.	750-	0-	0	for lands.
+	112-	8-	0	statutory 15 P.C.
Rs.	862-	8-	0	Total (as shown below)

Applicant No. 1 to get Rs. 625 - 5- 0 for 2 acres & 7 gunthas
Applicant No. 2 to get Rs. 237- 3- 0 for 33 gunthas.

Rs. 862- 8- 0

As the applicants had led no evidence before the L.A. Officer, no costs have been awarded from the opponent. As possession is not yet taken, the qustion of awarding interest does not arise.

5. The D.G.P. Dharwar has reviewed the judgment of the Assistant Judge, Dharwar and considers that no useful purpose is likely to be served by taking the matter in appeal as the panchas themselves had valued the lands at the rate of Rs. 250 per acre before and therefore the amount awarded by the Assistant Judge, may be accepted. The Collector of

Dharwar also agrees (p.1 ante) with the said opinion, on the ground that while increasig the compensation at the rate of Rs. 250 per acre, the building potentialities of the agricultural land were taken into consideration by the Assistant Judge, which the Acquiring Officer had failed to do. Further, the Commissioner, S.D. concurs (p. 2 ante) with the same view. It will appear from p. 144 of Venkat Raman's Land Acquisition Act, that in estimating compensation for agricultural land, the Court can take into consideration whether the land in question is a possible building site (Secretary of State v. Gopal Singh 1 I.C. 210). The adaptability of agricultural lands as sites for buildings is an element to be taken into account in determining the market value (Khusiram Devonmal vs. Assistant Collector, Shikarpur, 1925 Sind (12). Accordingly, the Collector of Dharwar may be informed through the Commissioner, S.D. that Govt. agrees that the decision of the Assistant Judge, Dharwar dated 31-10-1945, in L.A. Case Misc. Application No. 51 of 1942, should be acquiesced in.

Id/-BDP
9/2/46.

AAR Idl RTrk. 11/2

RHA Idl P.N.M. 13/2/46

Secy. RD Idl- xx 1912

Letter.

No. 1459

Office of the
Remembrancer of Legal Affairs,
Bombay Castle, 20th February 1946.

To

The Collector of Dharwar.

Subject:- Acquisition of land of village Extension Kurabgond Tal. Haveri Appeal in the .....

With reference to your letter No. Nil dated the 9th January 1946 on the above subject, I have the honour to state that Government agrees that the decision of the Assistant Judge Dharwar in Misc. Application No. 51 of 1942 in the Court of the Assistant Judge, Dharwar should be acquiesced in.

2. The papers accompanying your letter under reference are returned herewith.

for Remembrancer of Legal Affairs.

P.T.O.

5 b

Forwarded with compliments through the Commissioner Southern Division with reference to his endorsement No. L.A.Q. 2844 dated the 30th January 1946.

Issued
DSR
20/2

File in LAQ/Shaman/46

DSR
21/2

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Superintendent,
D Branch, Legal Department.

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